2nd August 1965]

Several representations have been received by Government that frequent and indiscriminate transfers of Panchayat Union School Teachers cause great inconvenience to the teachers and dislocation of work in the schools. Government have therefore carefully considered the need for rationalising the system and instruct that the following procedure be followed in respect of transfers of teachers in Panchayat Union Schools. Applications for transfers received from the teachers and proposals for transfer sponsored by the Panchayat Union commissioner on administrative grounds before the commencement of the school year will be put up to an *ad-hoc* body of which the Revenue Divisional Officer of the division will be the Chairman and the Chairman, Panchayat Union Council, and the District Educational Officer having jurisdiction of the area, members and Panchayat Union Commissioner member—Secretary. This *ad hoc* body will scrutinise the proposals and take decisions which shall be put down in writing. These decisions should be implemented by the Panchayat Union Commissioner without the slightest deviation.

2. This *ad hoc* body will ordinarily meet in the month of April and May and finalise the transfer proposals before the commencement of the year.

3. Applications and proposals for transfer should not ordinarily be entertained after the commencement of the school year. In exceptional cases where such proposals have to be considered during the course of the year, the Panchayat Union Commissioner should send the proposals through the Panchayat Union Chairman to the Collector of the district and effect the transfer only after receiving his concurrence.

This procedure will come into effect immediately. For this year the *ad hoc* body may meet as soon as possible and finalise the transfer proposals.

TRUTH ALONE TRIUMPHS

Appendix III.

[*Vide* item IV on page 103.]

L. A. Bill No. 17 of 1965.

(As passed by the Assembly.)

A Bill further to amend the Madras Hindu Religious and Charitable Endowments Act, 1959.

Be it enacted by the Legislature of the State of Madras in the Sixteenth Year of the Republic of India as follows :—

1. *Short title*.—This Act may be called the **Madras Hindu Religious and Charitable Endowments (Amendment) Act, 1965.**

[2nd August 1965

2. *Amendment of section* 72, *Madras Act* 22 *of* 1959.—In section 72 of the Madras Hindu Religious and Charitable Endowments Act, 1959 (Madras Act 22 of 1959) (hereinafter referred to as the principal Act),—

(i) for sub-section (6), the following sub-section shall be substituted, namely :—

" (6) Notwithstanding anything contained in sub-sections (4) and (5), if the Government, after taking into consideration such matters relating to the management and administration of the religious institution as may be prescribed, are satisfied at any time after the publication of a notification under sub-section (1) or sub-section (3), that it is no longer necessary to continue the notification, they may cancel the notification." ;

(ii) in sub-section (7), the words "or deemed to have been published" shall be omitted.

3. *Amendment of section* 73, *Madras Act* 22 *of* 1959.—In section 73 of the principal Act, after the words "cancellation of the notification", the words, brackets and figure "under sub-section (4) or" shall be inserted.

4. *Insertion of new sections* 75-*A*, 75-*B and* 75-*C in Madras Act* 22 *of* 1959.—After section 75 of the principal Act, the following sections shall be inserted, namely :—

"75-*A*. *Notifications under Chapter VI-A of Madras Act II of* 1927 *to continue in force.*—Notwithstanding any judgment, decree or order of any Court and notwithstanding anything contained in the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), or in the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), or in this Act, but subject to the provisions of section 75-C, all notifications issued under Chapter VI-A of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927) and in force immediately before the 30th September 1956 and which have not been subsequently cancelled by the Government, shall continue, and shall be deemed always to have continued, in force up to and inclusive of the 16th July 1965 and for a period of one year thereafter; and accordingly all acts, proceedings or things done or taken under the said Acts or this Act by the Government or by any officer of the Government or by any other authority in pursuance of the said notifications shall, for all purposes, be deemed to be, and to have always been, done or taken in accordance with law.

75-*B*. *Further continuance of notifications under Chapter VI-A of Madras Act II of* 1927.—(1) Where after the expiry of a period of six months from the 16th July 1965, the Commissioner is satisfied that in the interests of the administration of any religious institution governed by any of the notifications referred to in section 75-A it is necessary to continue the notification (hereinafter in this section referred to as the said notification) beyond the date of the expiry of the period of one year from the

2nd August 1965]

16th July 1965, he may, by notice, published in the prescribed manner, call upon the trustee and all other persons having interest to show cause why the said notification should not be so continued.

(2) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one month from the date of the issue of such notice, for showing such cause

(3) The trustee or any pe son having interest may thereupon prefer any objection he may wish to make against the action proposed.

(4) Such objection shall be in writing and shall reach the Commissioner before the expiry of the time specified in the notice aforesaid, or within such further time as may be granted by the Commissioner.

(5) Where no su^h objection has been received within the time so specified or granted, the Government may, on receipt of a report from the Commissioner to that effect, by notification declare that the said notification shall continue in force beyond the date of the expiry of the period of one year from the 16th July 1965.

(6) Where any such objections have been received within the time so specified or granted, the Commisioner shall hold an enquiry into the objections in the manner prescrbed, and decide whether or not the said notification should be continued as aforesaid.

(7) If the Commissioner decides that the said notification should be continued as aforesaid, he shall make a report to that effect to the Government, who may thereupon by notification, declare that the said notification shall continue in force beyond the date of the expiry of the period of one year from the 16th uly 1965.

75-*C*. *Right of suit.*—(1) Any trustee or any person having an interest, who is aggrieved by the continuance of a notification under section 75-A or under section 75-B may—

(i) in the case of the continuance of the notification under section 75-A, within sixty days from the 16th July 1965; and

(ii) in the case of the continuance of the notification under section 75-B, within sixty days from the date of the declaration under sub-section (5) or sub-section (7) of the said section 75-B; institute a suit in the Court for the cancellation of such notification and the Government shall cancel the notification if the Court so directs:

Provided that the Court shall have no power to suspend the operation of the notification pending the disposal of the suit.

(2) Any party aggrieved by a decree of the Court under sub-section (1) may, within ninety days from the date of the decree, appeal to the High Court.

[2nd August 1965

(3) Notwithstanding anything contained in section 75-A or section 75-B, if the Government, after taking nto consideration such matters relating to the management and administration of the religious institution as may be prescribed are satisfied that it is no longer necessary to continue a notification continued in force under section 75-A or under section 75-B, they may cancel the notification.

(4) In respect of a religous institution governed by a notification continued in force under section 75-A or section 75-B,—

(*a*) the scheme of administration, if any, settled and all rules, if any framed under such scheme shall cease, and shall be deemed always to have ceased, to apply to the institution and shall become, and shall be deemed always to have become inoperative; and such scheme and rules shall not be revived by reason of the cancellation of the notification under sub-section (1) or sub-section (3);

(*b*) the Commissioner shall have power and shall be deemed always to have had power to appoint a salaried executive officer who shall be a person professing the Hindu religion.".

5. *Amedment of Schedule to Madras Act* 22 *of* 1959.—In the Schedule to the principal Act,—

(i) under the heading " I Suits ", after the entry " 72 (4) Suit for the cancellation of the notification . . . . . . 50", the following entry shall be inserted, namely :—

" 75-*C* (1) Suit for the cancellation of the notification 50 ";

(ii) under the heading " III Appeals to Court ", after the entry " 72 (5) Appeals to High Court . . . . 50", the following entry shall be inseted, namely :—

"75-*C* (2) Appeal to High Court . . . . 50 ";

(iii) under the heading " IV. Applications to Government Commissioner or Deputy Commissioner ", for the entry " 72 (6) Application to Government to cancel notification of religious institution under Chapter VI . . . . 5 ".
the following entries shall be substituted, namely :—

" 72 (6) Application to Government to cancel notification 5

" 75-*C* (3) Application to Government to cancel notification. . . . . 5 ".

6. *Repeal.*—The Madras Hindu Religious and Charitable Endowments (Amendment) Ordinance, 1965 (Madras Ordinance 1 of 1965) is hereby repealed.